

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

TREVOR LUCAS

Case No. 19-CR-10371-DJC

MOTION FOR EARLY DISCOVERY PROTECTIVE ORDER

Pursuant to Federal Rule of Criminal Procedure 16(d), the United States of America, by and through the undersigned Assistant United States Attorney, files this motion for entry of a protective order to govern early discovery in this case. A stipulated protective order, which the government has cooperatively negotiated with counsel for the defendant, is annexed hereto as Exhibit 1 (the “Protective Order”). The government respectfully requests that the Court endorse and enter the Protective Order.

As grounds for the necessity of a Protective Order in this case, the government states as follows:

1. The defendant has been charged with multiple violations of the terms of his supervised release.
2. The government is producing in early discovery affidavits associated with two federal search warrants executed at the defendant’s residence on July 29, 2020, 20-MJ-1291-DLC and 20-MJ-1293-DLC, relating to a criminal investigation of the defendant that may result in new criminal charges and/or additional alleged violations of the terms of the defendant’s supervised release. As of this date, the search warrant affidavits are sealed, except that they may be disclosed in criminal discovery without further order of the Court.

3. The search warrant affidavits include information about, and information reported by, a confidential source who has been assisting local and federal authorities in their investigation of the defendant.

4. Duplication and dissemination of the search warrant affidavits may at this time pose an unnecessary risk for the cooperating witness's safety.

Therefore, the government requests entry of a protective order that permits the government to mark such materials as "Sensitive – Attorneys' Eyes Only"; that prohibits defense counsel from duplicating or disseminating—without prior approval from the Court—those materials that the government has designated as "Sensitive – Attorneys' Eyes Only" ("Sensitive Materials") to anyone other than members of the defendant's litigation and investigative team; that prohibits the defendant from personally possessing a copy of Sensitive Materials; and that prohibits Sensitive Materials from being used for any purpose other than the defense of the above-captioned case. The stipulated Protective Order governs the treatment of designated documents produced as "early discovery"; it does not prevent defense counsel from showing Sensitive Materials in redacted form to the defendant; it does not prevent the defendant from accessing Sensitive Materials in redacted form on jail computers; and it does not prevent the defendant from viewing and accessing Sensitive Materials in their entirety when produced in accordance with any mandatory discovery obligations required by the Court and/or relevant local and federal rules of criminal procedure.

Any Sensitive Materials that are filed with the Court shall be filed under seal and shall remain sealed until otherwise ordered by this Court. The Protective Order does not entitle either party to seal its filings as a matter of course; it requires the parties to comply in all respects with the relevant local and federal rules of criminal procedure pertaining to the sealing of court

documents. It permits the parties to seek modifications of the Protective Order in the future.

Counsel for the defendant has assented to entry of the Protective Order.

Respectfully submitted,

ANDREW E. LELLING
United States Attorney

/s/ Adam W. Deitch
ADAM W. DEITCH
Assistant U.S. Attorney

Date: August 5, 2020

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants by First Class Mail.

/s/ Adam W. Deitch
ADAM W. DEITCH
Assistant U.S. Attorney

Dated: August 5, 2020